App F IX 4

Previous References (1945 MC)
MC/90-41-21, 22, 23, 24 25

MC File No 80-45
Serial Nos 5, 6
(Also file no MC/81-43-29, 30, 36, 37 is Contained in this record)

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Dec 45.

SUBJECT

Cancellation of the tender of Messrs M. Ramachandra Rao & Bros for Construction of Cement Concrete Ovoid Sewer from the Manhole in Sunkal Farm in Connection with the Bangalore city Drainage Scheme and the Forfeiture of the deposit amount of Rs 10,162/—

L - 5191
14th Dec 45

Vetoes the Proposal ——

To

The Chairman C. I. I. B. Bangalore
The C & E for Irrigation
The D P H

7/3.

From the Executive Engineer
No C 81-1282/42-43 dt 18/1/44
Submits a report on the
progress of work of the Main Sewer
Lenker, Bangalore etc

1) Extract from the rolls on the D O D
Rolls for perusal
2nd Lrks
26/1/44

2nd Lrk/RR
26/1/44

Law Dept)
2) For perusal

2nd C Nrs
26/1/44

Minister L. Sl.) 2nd Lrk
3) 4-2-44
2nd C Nrs
Srz
2nd Lrk RR
Srz

Law B
61n

From The D P H
No C 20 dt 8-2-44
Requests Sanction for the
cancellation of the lease of
Messrs N Ramachandra Rao &
the contractors for the construction
of the main sewer in Basavanagudi
in connection with the D C & drainage works and for this,

forfeiture of the earnest money of Rs 9,000/- deposited by the firm towards the execution of the said work

5) In pursuance dt 19th may 1942, ~~approval~~ sanction was accorded to the acceptance of the tender of Messrs Ramachandra Rao Bros for Rs 1,82,171-8-0 for the construction of storm water sewer in connection with the bangalore city drainage scheme

6) As per contract agreement, work to the extent of Rs 10,000/- per month had to be executed by the firm, but so far work to the extent of Rs 21,804/- from June 1942 has only been executed, as seen from the D & H's report

7) And the firm was previously served with a notice to the effect that, if it fails to secure the stipulated progress from Jan '44, action would be taken to cancel the contract in this respect

8) But the firm seems to have taken no notice of the instructions issued and shows no progress in the execution of the work

x fly x

x term 24 of the agreement executed fly H

5436 cancellation of the tender of Messrs N Ramachandra Rao – city drainage

Continuation Sheet File No Current No of Page 4539 V5436

9) Hence, the D P H requests that, as The firm failed to take notice of the order served upon it, the contract may be ordered to be cancelled, as recommended by the special Officer, city drainage works and as per term no 17 of the bond executed by it in this respect

10) In the above circumstances, the proposal of the D P H to cancel the contract of Messrs Ramachandra Rao for the above work and to forfeit the amount of Rs 9000/- deposited by them is submitted for orders with reference to para 4 supra

11) Law section may perhaps be consulted in the matter

12) Kind reference is invited to the reply given by the contractors on 15-1 1944 in response to the notice issued to them by the Special Officer, Bangalore City Drainage Division It gives a categorical list of difficulties they are suffering from, which have militated against them carrying out the works as expeditiously as possible Orders for orders of the views of the Chief Engr may not be Minister urgently in this matter before taking a decision

13) Yes as may from Lawsey for 26/1/1944

14) Forwarded unofficial with Compliments to the Chief Engineer of Mysore for favour of opinion on the proposal made by the Director of Public Health

B.O Ramachandra
Secy to Govt

No 444 — 26/2/44

U.O No 254
26-2-1944

15) The proposal of the Director of Public Health to cancel the contract of Messrs Ramachandra Rao & Bros may be approved

Law Secy
W/C

Ch Engr
29/2/44

Secy to Govt
Govt of Mysore

4-3-44
Law

17) The D P H recommended that the contract may be cancelled & the earnest money Rs 9,000/- deposited by the contractors forfeited for the reasons explained under

fg X

This relates to the cancellation of the contract of Messrs Ramachandra Rao & Bros, the contractors of the Main Drainage Sewerage in A city sanctioned in 50 & 19 May 42

cancellation of the tenders of Messrs Ramachandra Rao – B etc drawings and

paras 5 to 9 supra

18) The opinion of the chief Engineer was called for in the proposal of the D P H and the chief Engineer also approves of the same at para 15

19) In the above circumstances, the proposal of the D P H to cancel the contract of Messrs Ramachandra Rao & Bros & to forfeit the deposit money of Rs 9000/- is submitted for orders. With reference to paras 12 & 13 supra

6/3/44

20) The opinion of the Advocate General may be called for in regard to the legality of cancelling the contract forfeiting the deposit amount in accordance with the terms of the contract

Law dept

6/3/44

Govt of Mysore 6 MR 1944

No 662 4B-44 of 7-3-44

U O No 268 dated 7-3-1944

(21) forwarded with compliments to the Advocate General in response to favour of opinion in the matter

Ramachandra Rao

7/3/44 Law dept

Govt Law Dept 9 0 10 7 MR 1944

No Do 78--A 4B-44/A of 10 3-44

(22) (i) There is, in my opinion, no legal bar to the cancellation of the contract by the Engineer concerned under clause 17 of the contract But, to err on the safe side

I would suggest that the Engineer do pass a formal order dealing with the execuses put forwardx by the contractor and stating that there has been unnecessary, i.e , unreasonable,delay in attending to the prosecution of the work having regard to the undertaking that the value of the work turned out in any one month shall not be less than Rs.10,000/- (cl.24) | D

(ii) I notice, however, that the form of contract now in vogue is defective in that it ought to,xx but does not, contain a clause to the effect that, in the event of a - breach by the contractor of clause 24, the Executive - Engineer shall have the right, in his absolute discretion to cancel the contract and that ~~therefore~~ whom, the terms of clause 17 with respect to the consequences flowing from cancellation, shall apply \ I would further suggest that clause 17 and the clause above suggested be clubbed into one clause and put after present clause 24 | B

(iii) There is a defect in the contract on hand itself in that the alternatives in clause 24 "or materials collected by the contractor or both" have not been struck out thus making this clause ambiguous and not fully helpful towards cancellation of the contract | C

cl Epndn 10 3/44
A G

Cus 10 3 44

3/ In view of the opinion expressed by the Advocate General at A supra & of the opinion of the Chief Engineer in para 15 supra, the contract may be cancelled, as recommended by the Director of Public Health

Necessary action will be taken as suggested at B & C supra The result of it will be informed accordingly

26/ Pls for orders of actn as necessary Hon

WD 01809—GPB—60 000—26 1 43

Cancellation of the tender of messrs N Ku
Rob & Bros for the construction of the 5476
File No Main avoid Leeway
Continuation Sheet Current No of Page 2

taken as at D supra, on view of
the report made by the Special Officer
Dunedin Division, Bungalow for con

Lawrey Ltr
19/8/44

25) Journal entries may be passed
as suggested by me in regard cancelling
the Contract

26) Suggestions as per Note
may be accepted

Cancs
11-3-44
Sd

Number 2-SG

27) The forms of contract
should be received for future
guidance

Sd
14-3-44
Cancs
15-3-44

28) Draft letter
Sd

Filed with a draft for appl
JDM
28/3/44

29) Lawrey Ltr
28/3/44

30) Journal
Cancs
29-3-44
Sd

31) JDM
30/3/44
Cancs
30-3-44

32) Immediate
Sd

OFFICE OF THE MINISTER
FOR L S G & P H
Date 11 3 44
No 6257

Please take action
as this & put up
a note for
reference
for
15-3-44

9047

5918

From the D P H

No c 81-1445 of 8-4-44

Requests orders to cancel the contract of Messrs. N Ramachandra Rao & sons and to forfeit the deposit of Rs 9000/- in respect of the work relating to the construction of the main storm sewer and also to call for fresh tenders splitting the estimate of the work into two portions

2) Govt have given the opinion to the effect Engineer-in-Chief to cancel the contract in view of the legal opinion given by the Advocate-General under para 22 supra

34) As the D P H states that as the tender of Messrs Ramachandra Rao, the above said contractor is accepted by the Govt., the approval of Govt is necessary to cancel the contract and to forfeit the amount in any deposit of the contractor

35) In the circumstances stated

6391
2

by the D P H, the proposal to cancel the contract etc is subject to orders in 36) Minutes para 17 of the Schedule contract 20/4 PC call for the Schedule Contract for 21/4/44

37) Dft letter is subject to No 21/4 38) Dft ref 21.IIII

Petition dt 27-4-44 from N Ramachandra Rao & Bros, Nalleswaram praying that he may be allowed to submit his tender for the construction of cement cored sewer in A Cly and that ~~has deposit~~ the amount already received as deposit towards his previous contract of the work, may be treated as security deposit for his fresh tender

Letter No C 81-1581 dt 4-5-44 from the D P H requesting approval to the cancellation of the contract of Messrs Ramachandra Rao & Bros and the forfeiture of the deposit amounting to Rs 10, 162/-

cancellation of the contract of

6824 — Messrs Ramachandra Rao & Sons in connection
6959
2 with B city drainage works

39) The D P H was requested to send the schedule contract referred to by him in his previous letter of 8-4-44

40) After the receipt of the same the question will be worked up (if approved)

41) A draft reminder to get the same

Ma 6/5

42) Done at once

TY N E
8 MAY 1944
GEN & DEV SECTT

Issue No L 11209 of 8-5-44

From the D P H
No C 81 - 1520 of 10-5-44

to the particulars called for

43) The Summary of the case as put up as hereunder for formal orders -

44) This relates to the cancellation of the contract of Messrs Ramachandra Rao & Bros, the contractors for the construction of main over Sewer in B city

45) On the previous proposal made

by the D P H, govt have given the opinion to the Engineer concerned to cancel the contract in view of the legal opinion furnished by the Advocate general under para 22 supra

Z. (6) In his letter dt 4-5-46, the D P H reports that the contract has since been cancelled and the amount deposited by the contractor to the extent of Rs 10,162/- has also been ordered to be forfeited, as per para 17 of the agreement executed by him. As govt have accepted the tender of Messrs Ramachandra Rao & Co, dt 19-5-46, the D P H states that approval of govt is necessary for the cancellation of the contract — this is for orders.

Y

P

(7) At the same time, there is a petition from Mr Ramachandra Rao, on behalf of the firm ~~whose tender~~ requesting, in the circumstances stated, that he may be permitted to submit his tender along with others when fresh tenders are called for the execution of the work and the amount already deposited by the firm as security in connection

W

Continuation Sheet | File No / Current No | cancellation of the tenders of Messrs Ramachandra Rao & Co of Page — & damage works

with the previous contract, may be permitted to be utilised in connection with fresh tenders the party's contention is that the amount deposited for the previous contract cannot be forfeited for the reasons stated

48) The opinion of the Advocate General on the prayer of the petitioners may perhaps be called for in the first instance

Subs

49) 14/5 It does not appear necessary to refer the matter once again to the Advocate General the contract has been cancelled & the deposit forfeited the Subs only formal approval is sought for the action taken by the Executive Engineer Special Damage Division Bangalore This may perhaps be accorded

Law dept 16/5/44

50) The order already passed need not be reconsidered. Formal approval may be given for the cancellation of the contract & forfeiture of the deposit

22/5/44

51) [illegible]

52) Dft letter [illegible] 7664

GEI 11755 22 AP 1944 GOI

OFFICE OF THE MINISTER FOR L S G & P H Date 22/5/1944 No 8873

MYSORE

TYPING SECTION
10 JUNE 1944
GEN

53) Submitted with a draft for approval.
10/6/44

54) Law dept 9/6/44

55) Fin 9/6/44

56) Agree 9/6/44

To,

The D P H
The Chief Engineer
The Md Commr
The Comptroller
The D C Bangalore Dist
Lr 12331-5 dt 13-6-44
Approval of the proposal

Order 16/6
JV 16/6

Petition from M D Ramchandra Rao, contractor, for refund of damages, praying that a sum of Rs 10,000/- deposited towards earnest money in connection with the damage referred to, may be ordered to be refunded.

57) In go dt 13-6-44, approval was given to the proposal of the D P H to cancel the contract in this respect and to forfeit the deposit amount of Rs 10,000/- credited

204 re cancellation of the tender

Continuation Sheet File No [illegible] N Ramachandra Rao - Dy of damages Page

Current No 6

by the contractor, and under para 50, it was ordered that the order already passed, need not be re-considered' (Ref/paras 50 & 51)

58/ In the circumstances, the prayer of the petitioner for the refund of the deposit money of Rs 10,000/- is subject for orders

59/ It is for orders if, in 25/7 view of the circumstances stated by the petitioners, the issue of the Writ of D-H may be called for on the request of the petitioner

Law dept for 27/7

60/ May be called for

Cen 27-7-44

61/ D/H letter put up for 27/7

1 Dft letter put up

Mrs 1/8/44

63) D/H issued 1/8/44

To,

The D P H

Lr 1283 dt 8/8/44 calls for his D/Memo

Sent A 12/8

From the Director of P.H
No c 81-1612 dt 24/7/44.
solicits instructions as regards
the recovery of cement from Messrs
N Ramachandra Rao, & Bros,
the previous contractors for the
construction of Open sewers in
Bangalore.

A 1) In go dt 13/6/44, sanction was accorded to the cancellation of the contract of Messrs N Ramachandra & Bros for the above said work the reports show that the firm is said to have 56 tins and 13 cwts of cement which was obtained by the Health dept specially for the work in question at the cost of the firm. The firm, it is stated, have not returned the cement, inspite of several reports and the cement said to have been used for certain military works but the contractor says that, as soon as the cement is returned from the military dept, the same will be surrendered to the Health dept

2) In the above circumstances, the D P H solicits instructions in the matter subject for orders

12/8 3) Pl mvg up for instructions

4) Put up with a draft letter, as directed 29/8/44

29/8

Recovery of cement from Messrs Ramachandra Rao - contractors of Page

Co... nuation Sheet. File No / Current No

of b/f drawings

5) Draft calling for information in pursuance to appl

Lr dtd 31/8/44

6) Ans 31-8-44

7) Draft - Nil

To

The D P H

Lr 2-612 dt 16-9-44 calls for certain information

From the D P H

No. 81-1679 dt 28/10/44 dt the information called for

8) The report is submitted for perusal it is seen therefrom that there was no specific agreement between the dept and the firm that the issued cement should be returned though there is a letter from the special officer to the firm to the effect that the cement allotted for a particular work should not be used otherwise

9) The firm, according to the estimate wages, have to pay and take delivery of the cement allotted

for the work.

10) In the absence of any agreement between the firm and the Dept as regards returning the unbased cement and in view of the fact that the cement was purchased by the firm itself direct, it is for orders if the firm may be forced to return the cement which was not utilised for the purpose to which it was intended.

11) The opinion of the chief Engineer for irrigation & of the controller of stores may perhaps be called for in the matter.

12) Subject with reference to the information called for in this office letter of 16/9/44 (Paras 5 & 6 supra)

fgs

13) In the circs reported by the Asst Engr 14/11 it is seen that no useful purpose would be served by pressing the matter, as the firm cannot be forced to surrender the cement owing to the absence of any specific agreement to that effect. The matter may perhaps be dropped.

For orders.

Law Secy

SECY LAW DEPT 931 13 NOV 1944 GOVT OF MYSORE

WD 0726—GPB—25 000—15 9 44

13/11/44

C F 69]

Cont nuation Sheet | File No / Current No 2914/1 | of | Page

14) Has not Mrs Jeram applied for reconsideration of Lawrence passed against her?

15) We may wait till a reply to received from Mr Rao and thereafter

Secy
16/11-45

16) A draft letter is submitted calling for information if the reply has since been received from the Residency.

Secy
2/12.

17) Perusal of the D P H No 5566 dt 7/12/45 calls for a reply in the matter from the D P H No C 21-30 dt 14/3/45 furnishes the information called for

Draft A
Secy
8/12

18) It is seen from the report now received that no cement given by the Dept of Health was used for military works, as stated by the firm Messrs. N. Ramachandra Rao & Bros, Contr

6068
L

19) subd to perusal and orders with reference to para 14 supra the prayer of the firm for the refund of money forfeited by the govt on account of the cancellation of his contract, is under the consideration of govt

~~subd with reference to~~

Ma 19/3 20) Government sanction is also awaited for the refund of the deposit amount forfeited further? L 19 3 49.

21) Ma further information called for from the D P H and the C E for irrigation in regard to the refund of ~~money~~ the deposit amount to this contractor is awaited

subd 22/3 (recd them & returned this file

Ma 22/3 L 22/3/49

23) subd
It has since been found that there a reply from the C E for irrigation is due in respect of the refund of money to M N Ramachandra Rao
The C E is reminded to-day

6068
1

24) Resubmitted as ordered from
22 Advn
hm
28/3.

25) From the 2nd letter dated 26 2 19 ws-
addressed
received from the Garrison Engineer, Plane
to the Special Officer, City Drainage
Division, Bangalore, it is seen that -
56 tons of cement alleged by the Contractor
as having been used for Military works have
not been actually used for the said
7695
29/3/19 works Refer paras 13 to 15 supra

Lawley
28/3/19

26) Awaited reply from C E
Cas
29.3.19
L
29.3.19

27) The connected file re the refund of the
deposit amount forfeited by the post
to Messrs N Ramachandra Rao & Bros
has since been received and is
herewith

28) The C E for information

6068/L Recovery of cement from Messrs Ramakrishna

of opinion that the (firm) application for refund of money, for reasons stated, deserves sympathetic consideration at the hands of govt and he adds that the amount may be refunded after getting back the unused quantity of cement in the custody of the firm

vide linked file 2069/L 29) In view of the opinion furnished by the C E, a dft letter is put up to the D P H re the refund of cement - subt with reference to para 2 b supra

For
9/4 for appl

Law Secy

A note on this point is subt on the linked file (2069/L) as directed by the Law Secy

Law Secy
16/4/49

Letter No C 81-1647 dt 14-9-1944 from the D P H furnishing his opinion in the matter

~~In pro No dt 13-6-44~~

x N 64) In pro dt 13-6-44, The contract of Messrs N Ramachandra Rao & Bros for the construction of cement concrete wood sewers in B ward was cancelled and a sum of Rs 10,000/- deposited by them towards earnest money was ordered to be forfeited.

x M 65) In his petition dt 4-7-'46, M N Ramachandra Rao, the above said contractor prayed that the earnest money of Rs 10,000/- which was forfeited may be refunded for reasons stated by him

66) The D P H who was consulted in the matter is of opinion that if Govt consider that the deposit forfeited may be refunded, some concession may be shown

67) In the above circumstances, the prayer of M N Ramachandra Rao for the refund of the deposit amount is subject for orders with reference to paras 59 & 60 supra

SECY. LAW DEPT 3414 31 OCT 1944 GOVT OF MYSORE

WD 0726—GPB—25 000—10 9 44

2/10

C F 69]

Cont nuation Sheet | File No / Current No 2069 | of | Page

68 The C-E may be consulted
Law
3 [illegible]
R

69

Forwarded with compliments to the Chief Engineer for Irrigation for favour of opinion and early return

[illegible]
Secretary to Law

4/0 1820/s (27 Secs) 14 x [illegible] 5-6-45

70 In consideration of the non-availability of adequate quantity of cement, a controlled article, in time and the abnormal fluctuations in market conditions of both labour and materials, the contractors, Messrs N Ramachandra Rao & Sons, were not able to complete the work as per stipulated conditions of the agreement The cancellation of the contract itself seems to be a sufficient punishment Their application for refund of the security deposit deserves sympathetic consideration at the hands of Government.

71 2 The amount may be refunded after getting back the unused quantity of cement reported to be in the custody of the contractors.

Secretary to Govt, Law Department, with compliments

Chief Engineer for Irrigation

4/7/45

3/4/45

Govt. Law Dept. 7868

17-10-44

Bros ?

[illegible]

C F 69]

Continuation Sheet | File No / Current No | of | Page

72 These papers relate to the question of refunding the deposit amount of Rs.10,162/- forfeited by the Government of Messrs N.Ramachandra Rao & Bros., contractors, City Drainage Division, Bangalore

Question of the refund of the deposit.

73 In Government Order dated 19-5-1942, Government were pleased to accept the tender of Mr.N Ramachandra Rao for Rs 1,82,171½ for the execution of the work relating to the construction of the Cement & Concrete Void Sewage in the Bangalore City On behalf of the Company, Mr Ramachandra Rao executed a bond agreeing for a progress of Rs.10,000 per month and for completing the work in two years' time by June 1944. He did not keep up to the promise A number of notices were issued to him A final notice was served on him on 12-12-44 to the effect that if he fails to finish this progress as per the bond within the stipulated period, the contract of the firm would be cancelled and the earnest money of Rs 10,162 paid by him would be forfeited. As the contractor did not satisfactorily explain the reasons for the slow progress the Director of Public Health recommended that the contract of Messrs.N.Ramachandra Rao & Bros may be cancelled and the deposit money forfeited This recommendation was approved, after consulting the then Chief Engineer and the Advocate General - vide Government Order dated 13-6-1944

74 Subsequently, the firm made a representation praying for the refund of Rs.10,162/- forfeited on account of the loss sustained by it for reasons beyond ~~their~~ as control

75 This petition was referred to both the Director of Public Health and the Chief Engineer for Irrigation for opinion

76 The Director of Public Health does not give any definite opinion in the matter, but merely states as follows:-

"If Government consider that the deposit forfeited may be refunded, some concession may be shown".

77 The Chief Engineer for Irrigation has stated as follows:

"In consideration of the non-availability of the adequate quantity of cement, a controlled article, in time and the abnormal fluctuation in the market condition, both in labour and material, the contractors Messrs N Ramachandra Rao & Bros were not able to complete the work as per stipulated conditions of the agreement The cancellation of the contract is seems to be a sufficient punishment. Their application for refund of deposit amount deserves sympathetic consideration at the hands of the Government.

2) The amount may be refunded after taking un used the quantity of cement reported to be in the custody of the contractors.

78 Having regard to the above facts and recommendations, the prayer of the firm for the refund of the amount is for orders, in modification of the orders already passed directing its forfeiture A

79 This question has however been mixed up with that of the return of the cement to the department said to be in the custody of the contractor — The Director of Public Health has subsequently brought to the notice of the Government that the above firm whose contract has been cancelled have not returned the un-used cement, i e. 56 tons, 13 cwt which was obtained by the Health Dept.

Question of the return of the Cement — II

at the cost of the firm for being specifically used for the work in question and requested instructions of the Government in the matter.

8. The contractors stated that the cement in question was utilised for certain military works and the same would be surrendered as soon as it is received from the military authorities. The Special Officer for City Drainage Division corresponded with the Military Authorities and enquired whether the 66 tons of cement was actually utilised for military works. In reply, the Garrison Engineer, Bangalore has intimated on 26-2-1945, that the cement has not been usilised on the works as alleged by the contractors. The correspondence in this behalf shows that the contractors have paid for the quantity of cement taken delivery of by them and that owing to control order the department authorised the quantity being required obtained from Badravathi. The cement was therefore intended to be used for a specific Government work and it was only to be used for the construction of the main wood sewage and it should not be used for any other purpose. The contention of the firm is that the cement in question was purchased at its own cost and if the cement has been supplied by the department at the department cost, it would not have been used for any other purpose. There does not seem to have been any definite agreement between the Special Officer, Drainage Division and the contractor to the effect that the un-used cement should be returned to the Division. In view of this fact it is for consideration if the question of refund may be made dependent on that of

B

of the return of the cement by the contractor. /13

S1) Points for orders are noted at A to B supra

Law dept) from 16/4/45 $186 16/4/45

S2) The above note gives full details. As is recommended by the C E the deposit amount may be forfeited after getting back the unused quantity of cement which was issued for the Shenjuc work

Accts Dept 16/4/45 from

OFFICE OF THE MINISTER FOR REVENUE & LAW
No. Le.391
Date 18.4.45

S3) The Contractors have not only failed to keep up to the terms of the Contract but have also diverted the Cement to some other purpose. Have they explained satisfactorily why they did not fulfil the terms of the Contract & why they diverted the Cement to other purposes, orders have already been passed for forfeiting the deposit amount what new grounds have been urged for reconsideration?

OM 234 for Asstt Com 23-4-45

C F 69]

Continuation Sheet

Refund of money to Messrs Ramachandra Rao contractors & cost of drainage

File No 2669

Current No

of

Page

2187

84) A ~~defective~~ def letter is put up to the D P H in the matter.

85 For approval

Lawley 8/5/45

86) Cir 8/5/45

87) Issue 11/5/45

To,

The D P H

2 112-11 dt 17/5/45

calls for certain information from the Director of Public Health C 80-64/43-46 dt 21-9-45

States that the orders already issued in the matter of the forfeiture of the deposit amount need not be considered

88) The Contractor has stated that in his letter dated 11-6-45 that he had to stop the work for a period of one year for want of supply of cement by the department that the cement was supplied by the department in the rainy season

89) The Director has not furnished his remarks on the several statements by the

2695 2187/

C F 69]

Continuation Sheet | File No / Current No | of | Page

contractor in their letter, but he has added that the reasons given by them for not carrying out the work are not correct

90) He has expressed the opinion that the orders already passed in the matter need not be reconsidered. Refer para 83 Supra

91) The facts of the case have been set forth at paras 72 to 80 of the note Supra

A deposit of Rs 10,000/- paid by the Contractor has been forfeited

92) Kind reference is invited to the letter of the Contractor (dated 11.6.45) explaining the several points referred to in the Minister's Minute dated 23.4.45 (para 83 of the note)

The Director of P-II is considers that the reasons given by the Contractor for not carrying out the work are not correct & that it was a case that he had used the cement for building purposes He is not therefore in favour of reconsidering the orders passed already in the matter

93) This is another instance similar to that of messrs Rangunwala Bros in whose case a deposit of Rs 3000/ has been forfeited & his question is also under consideration separately

94) For orders with regard to para 83 Supra

Reference Secy's note dated 24/11/45

Serial No

There is no case for reconsideration A decision has been taken after obtaining legal opinion & there are no fresh grounds to reopen the case DPH is also not in favour

Minister for Ed[u] (DPH) 23/XI

1/12/45

3/12/45

Draft approved

4/12/45

Send with a draft reply

6/12

6/12/45

The Chairman I C & Board, Bihar.

L5791 D 14-12-45

Veto the proposal

SECT
FC EDN & REV DEPT
Date 24 11 45
No 3070

TYPING SECT
6 DEC 1945
EDN & REV SECTT

NOTE—Contn Sheet

GOVERNMENT OF MYSORE

No. [illegible] 62/42 43 **OFFICE OF** the Director of Public Health in Mysore,

Bangalore **Date** January 18, 1944

GEN & REV SECRETARIAT 4539 G B CH

The Secretary to Government,
Law Department, Bangalore

Sir, Re Progress of work of Main Ovoid Sewer, Bangalore City

I have the honour to forward for information of Government a copy of Note No 402/11 1 1944 of the Special Officer, City Drainage Division and a copy of letter No 398/12 1 1944 of the same officer addressed to Messrs N Ramachandra Rao & Bros , Contractors, 2nd cross, Malleswaram P O Bangalore on the above subject requesting him to hasten the work and show more progress of at least 600 rft per month failing which necessary action will be taken for the cancellation of his contract

I have the honour to be,
Sir,
Your most obedient servant,
Director of Public Health

Submitted for perusal

OFFICE OF THE MINISTER L S G & P H Date 27.1.1944 No 4204

Lawsey 26/1/44 Sec B 6/2 Govt

3) Secy 26/1/44 Sec B 6/2

Minister 29 4) Secy 4 2 Govt

Note No 202 dated 11th January 1944 from the Special Officer, City Drainage Division, Bangalore to the Director of Public Health in Mysore, Bangalore

Resubmitted

The progress of the tendered contractor Mr N Ramachandra Rao on the work is awfully slow He took up the work in June 1942 and has executed a bond stipulating a progress of Rs 10,000/- per month and completing the work in two years time i e , by June 1944 His actual performance is a progress of only Rs 17,777/- up-to-date and in no month has he given the promised progress At the rate at which the work is being carried on, it would take at least two more years to complete this work His monthly progress is about 400 running feet and a length of about 10,000 feet has to be constructed to complete the work up to Koramangala which is the place of disposal It is true that there was paucity of cement last year which caused unavoidable stoppage of the work for about six months but now that sufficient cement is available, the work could be expedited I shall give the contractor final notice regarding his poor progress, ask him to give his stipulated progress of at least Rs 10,000/- per month giving him a month's time and inform him plainly that his contract will be recommended for termination and his deposit for forfeiture, unless he shows the required improvement hence forward

In the meanwhile, I think a reply to the Chief Engineer may kindly be sent as put up in this office No 193 dated 30th December 1943

No 398

Office of the Special Officer,
City Drainage Division, Bangalore
Dated 12th January 1944

To

M/s N Ramachandra Rao and Bros,
Contractors, 2nd Cross, Malleswaram West

Dear Sirs,

I write to state that the progress secured by you so far on the construction of the Main Ovoid Sewer has been very poor and you have at no time given the stipulated progress of Rs 10,000/- mentioned in the contract agreement As you have been given the required quantity of ~~xxxx~~ cement and various other facilities demanded by you from time to time there seems to be absolutely no reason why the progress should be so low At least 600 Rft of Ovoid Sewer should be completed every month without fail You are further informed that you should suitably increase your labour and secure a progress of at least Rs 10,000/- during January 1944 and maintain the stipulated progress in the future months and complete the work before the end of December 1944

This may be taken as a final notice to you and if you fail to secure the stipulated progress from January 1944, serious notice will be taken of your poor progress and necessary recommendation for cancellation of contract and forfeiture of deposit will be made to the higher authorities

Yours faithfully,

Sd/- I D Joshi
Special Officer City Drainage Division

I T O

turned out by them so far, there is no surety that their progress would be better The construction of the main Ovoid Sewer work is an extremely urgent and important one and its early completion is necessary

Under the circumstances, I agree with the recommendation of the Special Officer Bangalore City Drainage Division and request you to be so good as to obtain and convey sanction of Government to the cancellation of the tender of Messrs N Ramachandra Rao and Bros for the work of the Main Ovoid Sewer, accepted in Government Order No L 11016-20/M1 90-41-25 dated 19th May 1942 mentioned above and forfeiture of their deposit of Rs 9,000/- as per term No 17 of the bond executed by them

Copies of letter No 226 dated 3rd February 1944 of the Special Officer, Bangalore City Drainage Division and its enclosures with the Contract agreement in original are enclosed herewith for the information of Government

I have the honour to be,

Sir,

Your most obedient servant,

C Ramaswamy

Director of Public Health

Letter No 228 dated 3rd February 1944 from the Special Officer, Bangalore City Drainage Division, to the Director of Public Health in Mysore, Bangalore

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Re Tender of Messrs N Ramachandra Rao and Bros, for the construction of the Main Ovoid Sewer

---

I have the honour to state that the tender of Messrs N Rama- chandra Rao and Bros , was accepted on 19th May 1942 and the total progress secured by them so far amounts to Rs 21,804/- only as against a total of Rs 1,85,000/- up to date at the monthly progress of Rs 10,000 stipulated in the contract agreement There was some difficulty during a part of last year in getting the required quantity of cement but this was only over a period of six months The contractors were given 56 tons of cement in May 1943 and also a further consignment of 42 tons received from Jog in 1943 In spite of several notices, issued, the total progress secured even after July 1943 up to end of January 1944 amounts to Rs 10,925/- only The contractors have made little effort to improve their progress on the work and have been pleading their inability to carry out the work at their original tendered rates on account of the increase in the cost of labour and materials There is no condition laid down in the agreement fixing the responsibility on the Department to arrange to supply the materials required for the construction of the sewer The terms of the agreement submitted herewith distinctly precludes the contractors from demanding any enhancement over the tendered rates on any account and even if this enhancement is given considering war conditions prevailing at present, considering their performance up till now, there is no surety that their progress would be better

The construction of the Main Ovoid Sewer is an extremely urgent and important work and its early completion can no longer be delayed The functioning of the whole scheme depends upon its prior completion The present tendered contractor has expressed his inability to give the stipulated progress of Rs 10,000/- every month at his original tendered rates for the work and to carry out the work in a systematic manner unless higher rates are granted to him The several notices issued to him from time to time and his representations and replies are submitted herewith

Memo No 203 Dated Bangalore the 12th Jan 194.

Copy of the foregoing is submitted to the Director of Public Health, Mysore, Bangalore, for favour of information, in continuation of this office Memo No 202 dated 11th January, 1944

Sd/- D Joshi

Special Officer,
City Drainage Division

"Copies"

Director of Public Health

No C 20
Encl 2 pages & one Schedule enclosed

GOVERNMENT OF MYSORE
PUBLIC
DEPARTMENT OF HEALTH

DR P ARTHASARATHY L M S B Sc (Mad) L R C P & S (Edin)
D T M (Lond) D P H (Camb)
Director of Health

BUREAU OF MATERNITY CHILD AND OTHER WELFARE WORKS
Vani Vilas Centre Vani Vilas Road
Bangalore (S India) dated February 18, 1944

GEN & REV SECRETT 5436 25 FEB 1944 L S G BRANCH

To

The Secretary to Government,
Law Department, Bangalore

Cancellation of the tender of Messrs N Ramachandra Rao and Bros , for the construction of the Main Ovoid Sewer

Sir,

In continuation of this office letter No C 81-1282 dated 18th January 1944 enclosing for the information of Government a copy of the final notice issued to the Contractors by the Special Officer, Bangalore City, Drainage Division, I have the honour to state that the Contractors in their reply dated 15th January 1944 plead for enhancement of the rates and for certain facilities to be afforded to enable them to give the minimum progress

The tender of Messrs Ramachandra Rao Bros was accepted in Government Order No 11010-20/M1 90-41-25 dated 19th May 1942 for Rs 1,82,171-8-0 The total progress secured by them so far, is reported by the Special Officer to be Rs 21,804/- only, as against a monthly progress of Rs 10,000/- stipulated in the Contract Agreement There was some difficulty during a part of last year in getting the required quantity of cement, but this was only over a period of six months The contractors were given 56 tons of cement in May 1943 and also a further consignment of 40 tons received from Jog in June 1943 In spite of several notices issued, the total progress secured even after July 1943 up to end of January 1944 is reported by the Special Officer to be only Rs 10925/-

The Special Officer, Bangalore City Drainage Division therefore recommends the cancellation of the tender of the Contractors and the calling of fresh tenders for the work splitting it into two so that the work could be completed as early as possible

There is no condition laid down in the agreement regarding the Department arranging for supply of the material Even if the enhanced rates are granted, considering the work turned

turned out by them so far, there is no surety that their progress would be better The construction of the main Ovoid Sewer work is an extremely urgent and important one and its early completion is necessary

Under the circumstances, I agree with the recommendation of the Special Officer Bangalore City Drainage Division and request you to be so good as to obtain and convey sanction of Government to the cancellation of the tender of Messrs N Ramachandra Rao and Bros for the work of the Main Ovoid Sewer, accepted in Government Order No L 11016-20/41 90-41-25 dated 19th May 1942 mentioned above and forfeiture of their deposit of Rs 9,000/- as per term No 17 of the bond executed by them

Copies of letter No 228 dated 3rd February 1944 of the Special Officer, Bangalore City Drainage Division and its enclosures with the Contract agreement in original are enclosed herewith for the information of Government

I have the honour to be,

Sir,

Your most obedient servant,

C Ramaswamy

Director of Public Health

Letter No 228 dated 3rd February 1944 from the Special Officer, Bangalore City Drainage Division, to the Director of Public Health in Mysore, Bangalore

---

Re Tender of Messrs N Ramachandra Rao and Bros, for the construction of the Main Ovoid Sewer

---

I have the honour to state that the tender of Messrs N Ramachandra Rao and Bros , was accepted on 19th May 1942 and the total progress secured by them so far amounts to Rs 21,804/- only as against a total of Rs 1,85,000/- up to date at the monthly progress of Rs 10,000 stipulated in the contract agreement There was some difficulty during a part of last year in getting the required quantity of cement but this was only over a period of six months The contractors were given 56 tons of cement in May 1943 and also a further consignment of 42 tons received from Jog in 1943 In spite of several notices, issued, the total progress secured even after July 1943 up to end of January 1944 amounts to Rs 10,925/- only The contractors have made little effort to improve their progress on the work and have been pleading their inability to carry out the work at their original tendered rates on account of the increase in the cost of labour and materials There is no condition laid down in the agreement fixing the responsibility on the Department to arrange fo supply the materials required for the construction of the sewer The terms of the agreement submitted herewith distinctly precludes the contractors from demanding any enhancement over the tendered rates on any account and even if this enhancement is given considering war conditions prevailing at present, considering their performance up till now, there is no surety that their progress would be better

The construction of the Main Ovoid Sewer is an extremely urgent and important work and its early completion can no longer be delayed The functioning of the whole scheme depends upon its prior completion The present tendered contractor has expressed his inability to give the stipulated progress of Rs 10,000/- every month at his original tendered rates for the work and to carry out the work in a systematic manner unless higher rates are granted to him The several notices issued to him from time to time and his representations and replies are submitted herewith

In view of these circumstances, it seems very necessary to terminate the present contract and call for fresh tenders for the work splitting it into two portions so that the work could be completed as early as possible

Early orders of Government in the matter may kindly be obtained and communicated

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Letter No 5 dated 2 7 1943 from the Special Officer, City Drainage Division, Bangalore to Messrs N Ramachandra Rao and Bros , Contractors, 2nd Cross Road, Malleswaram Post, Bangalore

---

The Main Ovoid Sewer

I write to request you to arrange to start the work from Monday the 5th July as the required cement has been received by you The monthly progress stipulated in the contract agreement must be given from the month of July

As regards your representation to allow certain percentage of cement for wastage, you are informed that no such arbitrary percentage can be allowed for wastage

The sealed bags must be opened in the presence of the Surveyor in charge of the work every day and the daily issues to the works including wastage during transhipment from place to place will be notedby the Surveyor and reported to this office

A regular account of the quantity of cement received and the quantity used during each month and the balance by you at the end of every month must be maintained by you and the accounts should be furnished when required

Immediate arrangements may be made to commence the work on Monday the 5th July 1943 without further delay

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Letter No 69 dated 26th July 1943 from the Special Officer, Bangalore City Drainage Division, to the Contractor, Messrs N Ramachandra Rao & Bros , 2nd Cross Road, Malleswaram P O Bangalore

---

It is noticed that no arrangements have been made for the excavation of trenches for constructing the Main Ovoid Sewer You are therefore requested to start the trench excavating definitely on Wednesday the 28th instant No excuse for not starting the work on Wednesday will be accepted

Letter No 398 dated 12th January 1944 from the Special Officer, Bangalore City Drainage Division, Bangalore, to Messrs N Ramachandra Rao &Bros , Malleswaram P O Bangalore

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I write to state that the progress secured by you so far on the construction of Main Ovoid Sewer has been very poor and you have at no time given the stipulated progress of Rs 10,000/- mentioned in the ag contract agreement As you have been given the required quantity of cement and various other facilities demanded by you from time to time there seems to be absolutely no reason why the progress should be so low At least 600 Rft of Ovoid Sewer should be completed every month without fail You are further informed that you should suitably increase your labour and secure a progress of at least 10,000/- during January 1944 and maintain the stipulated progress in the future months and complete the work before the end of December 1944 This may be taken as a final notice to you and if you fail to secure the stipulated progress from January 1944, serious notice will be taken of your poor progress and necessary recommendation for cancellation of contract and forfeit of deposit will be made to the higher authorities

---

Letter No 164 dated 15th January 1944 from Messrs N Ramachandra Rao and Bros , Contractors, 2nd Cross Road, Malleswaram Post Bangalore to the Special Officer, Bangalore City Drainage Division

---

With reference to your letter dated 12th January 1944, I beg to bring to your kind notice that I am making every effort to give as much progress as possible

You are aware that I have to get jelly, etc , from a distance of over 40 miles The petrol given to me is very insufficient and such being the case the delay is caused which cannot be attributed to me

Moreover the coolies engaged are demanding higher wages but also the supply of ration to them

Most of the quarries situated nearby have been occupied by the Military authorities That I had requested to sanction me permission to quarry jelly in the quarries belonging to the Janagirdar of Yelandur which is situated near my workspot This has not been sanctioned and the application has been sent to the

Geological Department and request that my case may kindly be recommended to them

I may further mention here that I have given an application to your honour requesting therein to sanction meanhanced rate for the work As such, I request that I may kindly be given rates as per present data for Main Ovoid sewer and for the earthwork excavation and bailing out water I may kindly be given estimate rate I hope that you will decide this immediately

If the above facilities are afforded to me, I am ready to give you more than the minimum progress now required I have increased my coolies also by paying huge rates and I am even now ready to pay more higher rates provided coolies are obtained In the light of the above circumstances, I request you to be so good enough to sanction my above requests early and thus help me You are aware of all the above difficulties and the loss that I am sustaining now

Thanking you

"Copies"

V Balakrishnan

Director of Public Health

Appendix F G —1]

SUBJECT

Diary No of letter replied to 5235

Section Mal

File No 81—43

Serial No 30

General and Revenue Secretariat

( )

the 194

No L 10333

To

The Director of Public Health

Sir

Date of issue 3/4

Signed by Mr. C.R.Rao

I am directed to refer to the correspondence ending with your letter no C 20 § 22 nd Feb 1944 re the Cancellation of the tender of Messrs N Ramachandra Rao & Bros for the Construction of the main Storm Sewer in Bangalore city. I am directed to State as follows:—

List of enclosures

Govt consider that there is no legal bar to the cancellation of the contract by the Special Officer, Bangalore city Drainage

Codied by

Examined by

WD 04161—GPB—60 000—2 10 41

Division

Schedule C
Provision ~~contained~~ under clause 17 of this Contract
But to err on the safe side, the Engineer should pass
a formal order dealing with the excesses put
forward by the Contractor & stating that there has
been unnecessary & unreasonable delay in
attending to the execution of the work, having
regard to the undertaking that the value of the work
turned out in any one month shall not be less
than Rs 10,000/- (clause 24) Besides, there is a
defect in the form of contract in question in that
the alternatives in clause 24 "or materials
collected by the contractor or both" have
not been struck out, thus making this clause
ambiguous & not fully helpful towards the
cancellation of the contract;
2) In this connection, I am to add that
the form of contract now in vogue is
defective in that it ought to, but does not,
contain to a clause to the effect that, in the
event of a breach by the contractor (the terms of clause 24)
the executive engineer shall have the right, in his
absolute discretion, to cancel the contract
& that thereupon the terms of clause 17 with
respect to the consequences following from such

cancellation

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

cancellation shall apply. It is therefore suggested that clause 17 & the clause suggested above be clubbed into one clause & be put after the present clause 24. ~~[illegible]~~ A revised draft of a contract form may be prepared in accordance in consultation with the Chief Engineer of Mysore & submitted to Govt for appl.
3) The Schedule of contract received with your letter under reference is herewith returned.

Thanks

Jour dear Dy Secy
Memo L 10334 03/4
Copy of the above forwarded w/c to the Chief Engr of Mysore for info & with reference to his note dt 4 3 38

Jour Dy Secy

WD 0282—GPB- 22 500—14 3 38

C 81-1445/41-42

6391/L

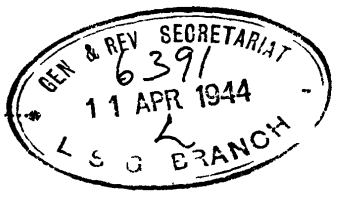
OFFICE OF THE
DIRECTOR OF PUBLIC HEALTH
IN MYSORE

Bangalore, dated 5th April *1944*

To

The Secretary to Government,

Law Department, Bangalore



Sir,

Cancellation of the tender of Messrs N Ramachandra Rao & Sons , for the construction of the Main Ovoid Sewer

With reference to your letter No L 10333/M1 81-43-30 dated 3rd April 1944 intimating that Government consider that there is no legal bar to the cancellation of the contract by the Special Officer, Bangalore City Drainage Division, under Clause 17 of the Schedule Contract, I have the honour to state that according to Art 113(3) Note1, "contracts made by an Executive Engineer under his powers may not be cancelled without a report to Chief Engineer and his approval to it " But the work in question is one, tenders for which were accepted by Government in their Order No L 11016-20/M1 90-41-25 dated 19th May 1942 Under the circumstances, approval of Government to the cancellation of the contract is necessary

The Special Officer, Bangalore City Drainage Division, is however requested this day to formally issue orders to the Contractor cancelling his contract as per instructions contained in letter No L 10333/M1 81-43-30 dated 3rd April 1944 under advertance and to call for tenders splitting the estimates into two portions

I request you to be so good as to obtain and convey approval of Government to the cancellation of the contract, forfeiture of the deposit of Rs 9,000/- as per para 17 of the Schedule Contract and calling for fresh tenders splitting the estimate into two portions for early completion of the work

I have the honour to be,
Sir,
Your most obedient servant

B. Ramachandra

Director of Public Health

To, L10853
the D P I+
Sir, 8/2574
I am directed to request
you to arrange to forward
only the schedule
contract referred to
in the last para of your
letter NO C 81 - 1445/41
dt 8-4-44 re the
cancellation of the tender
of Messrs N Ramachandra Rao & Sons etc
for the Ass 1130/ Road & Jonathan
note Engg Ltd Kadapa
Survey Laws

6824

ON GOVT APPROVED LIST

ESTD 1928

GEN & REVENUE SECRETARIAT
6824
1 MAY 1944
L S G BRANCH

Specialists in
BUILDINGS AND
SANITARY
CONSTRUCTION

N. Ramachandra Rao & Bros,

GOVT BUILDINGS AND SANITARY ENGINEERING CONTRACTORS

No 2128, 2nd Cross Road, Malleswaram P O

Ref No

Bangalore City 27th April 44.

To,

The Law Secretary,
The Government of Mysore,
Bangalore

Petitioner - N Ramachandra Rao and Bros , Government Buildings and Sanitary Contractors, 2128, 2nd Cross Road, Malleswaram Bangalore City

Subject - Extension of the main cement concrete Ovoid Sewer from Sunkal Farm up to Koramangala Tank

---

The petitioner abovenamed begs to state as follows -

1 The Department called for tenders for the construction of the Sewer under reference by 8-12-1941 The petitioner was one of those who applied The tender of the petitioner was approved in or about July 1942 and then the agreement was got signed and the work order was given

2 The work could not be commenced for another 2 months as the land acquisition proceedings were being continued and the land upon which the sewer had to be constructed, has not been taken possession of, by the Department Thus by the time, the actual work began it was 9 months after the tender was called for, during which time, there was phenomenal rise in the price of materials including that of cement which is purely under the control of Government

commencement of the War according to the circumstances then available

8 The petitioner submits that none of these do - constitute sufficient reasons for such cancellation However the department may be able to realise from the fresh tenders that the request in respect of the increase of rates prayed for by the petitioner, is in no way unreasonable

9 The Special Officer Drainage Division, has in pursuance of the Cancellation, notified to the petitioner in his letter No 595 dated 12th April 1944 that the Security - Deposit of Rs 10162/- is forfeited to Government as per - clause 17 of the schedule contract for breach of contract of the agreement

10 The petitioner has been advised to submit that the security deposit cannot be forfeited under clause 17 That apart, the petitioner, as stated above has incurred a loss of Rs 25,000/- and has invested a further sum of Rs 20000/- for the equipment of appliances and also materials such as shoring planks, jelly, pump, tanks, platform and sheds etc which are even now on the spot It is therefore desirable that the petitioner should also be given a chance to submit his tender along with others In this connection, he begs to submit that the security Deposit cannot be forfeited Under the circumstances, he may be permitted to submit his tender and utalise for the purpose of security deposit, the deposit which is already with the Government Such permission may be given to him without prejudice to the claims of either party in the final decision

N Ramachandra Rao

Petitioner

No C-181-1501
Encl

GOVERNMENT OF MYSORE
PUBLIC
DEPARTMENT OF HEALTH

GEN & REV SECRETARIAT
6959
5 MAY 1944
L S G BRANCH

Dr I ARTHASARATHI L M S B Sc (Mad) L R C P S (Edin)
D T M (Lond) D P H (Camb)
Director of Health

BUREAU OF MATERNITY CHILD AND OTHER WELFARE WORKS

Bangalore (S India) dated April 30, 1944

To

The Secretary to Government,
Law Department, Bangalore.

Cancellation of the tender of Messrs. N.Ramachandra Rao & Bros., for the construction of the main ovoid sewer

Sir,

In continuation of this office letter No C.89-1445 dated 8th April 1944 requesting approval of Government to the cancellation of the contract, under interpretation to Art. 113(3) Note, Public Works Code, and to the forfeiture of the deposit of Rs 9,000/-, I have the honour to state that for the information of Government that the contract has since been cancelled and the total deposit of Rs 10,162/- forfeited (comprising Rs 9,000/- furnished by the Contractor in cash and Rs 1162/- being the 5 per cent deduction from bills). Copies of Memos issued to the Contractors cancelling their contract and forfeiting their total deposit are enclosed. I request you to be so good as to obtain and convey approval of Government to the cancellation of the contract and the forfeiture of the deposit amounting to Rs 10,162/- instead of Rs 9,000/- intimated previously

I have the honour to be,
Sir,
Your most obedient servant,

DIRECTOR OF PUBLIC HEALTH.

Letter No.587 dated 11.4 1944 from the Special Officer, Bangalore City Drainage Division to Messrs. N. Ramachandra Rao & Bros Contractors, 2nd Cross Malleswaram Post.

Messrs. N.Ramachandra Rao and Bros., are hereby informed that their contract for the work of "Extending the main Ovoid Sewer from Sunkal Farm up to Koramangala Tank" is hereby cancelled as per clause No.17 of contract schedule since they have not shown the stipulated progress of Rs 10,000/- permonth as per clause 24 of contract schedule, even after they were supplied with the required quantity of cement and secondly they have made little effort to improve their progress on the work, in spite of several notices served on them, pleading their inability to carry out the work at their original tendered rates, though clause No. 4 of the contract schedule precludes them from petitioning for any revisionof rates tendered for by them under any circumstances at any stage of the work.

They are required to stop all further progress on the work surrendering to this Division the balance quantity of cement remaining out of the quantity supplied to them for being used on this work only for which they will be paid their actual costs by the new approved tenderers for the work.

Memo No. 311 dated 11.4.1944.

Copy of the above is submitted to the Director of Public Health in Mysore, Bangalore for kind information, with reference to his Memo No C.81-1446 /41-42 dated 8.4 1944.

Letter No.595 dated 12 4.1944 from the Special Officer, Bangalore City Drainage Division, to Messrs. N.Ramachandra Rao & Bros Contractors, Second Cross, Malleswaram P.O. Bangalore.

Re. Cancellation of their contract for "Extending the Main Ovoid Sewer from Sunkal Farm up to Koramangala tank".

In continuation of this office No. 587 dated 11.4.1944 regarding the above, Messrs. N.Ramachandra Rao and Bros , are hereby informed that their security deposit of Rs 10,162/- is forfeited to Government as per clause No.17 of schedule contract for breach of contract agreement.

Memo No. 316 dated 12.4.1944.

Copy of the foregoing is submitted to the Director of Public Health in Mysore, Bangalore, for information in continuation of this office No.311 dated 11.4 1944. The guarantee fund or the security deposit the contractor will have to lose as per clause No.17 for breach of contract will be Rs 9.000/- furnished by him in cash together with Rs 1,162/- being the 5 per cent deduction from bills.

"Copies"

O Ramachandra

Director of Public Health.

L/11209 dt 8/5-

Dear Sir,

With reference to the correspondence ending with your letter No C 81-1501 dt 4-5-44 re the cancellation of the contract of Messrs Ramachandra Rao & Bros, I am directed to request you to arrange to send immediately the schedule of the contract as already called for in this office letter No L/10853 dt 25-4-44

To, The D P H (by name)

C F No 46] **GOVERNMENT OF MYSORE** ML 81-43-36

No C 81-15-20 OFFICE OF the Director of Public Health
Encls one in Mysore, Bangalore

Date 10th May 1944

To The Legal Remembrancer and Secretary to
Government, Law Department,
Bangalore

GEN & REV SECRETARIAT 7065 11 MAY 1944 S G BRANCH

Sir,

Cancellation of the tender of Messrs N Ramachandra Rao & Bros , for the construction of the main Ovoid Sewer

---

With reference to your letter No L 10853 dated 25th April 1944 on the above subject, I have the honour to enclose herewith the sechdule contract of Messrs N Ramachandra & Bros, for the work

Note 1 to Article 113(3) of the Public Works Code reads as follows -

" Contracts made by an Executive Engineer under his powers may not be cancelled without a report to Chief Engineer and his approval to it"

I have the honour to be,
Sir,
Your most obedient servant

G Ramanna

Director of Public Health

bnn

G R S App F VI—G 2]

SUBJECT

Abd

Diary No of letter replied to 7065

Section Rel
File No 81-43
Serial No 37

General and Revenue Secretariat

( )
the *194*

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 13/6 194

Signed by

Read— G.O. No. C 11016-201 Rel 90-41-25 & 19 Sr. 1942 accepting the tender of Messrs N Ramachandra Rao & Bros for Rs 1,82,171-8-0 for the construction of the cement concrete drain leading from the ~~Order thereon—No~~ existing manhole in the Sankal Town to the Koramangala disposal site, Bangalore City

2) Correspondence ending with letter No C 81-1520 & 100. 5 1964 from the Director of Public Health

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(vi) published in the Gazette Kannada Part ?

2

Public Health Stores that the contractors have not abided by the conditions of the contract viz that work to the extent of not less than Rs 10,000 shall be executed in each month & that the whole work shall be completed on or before the 1st July 1946 and requesting, in the circumstances explained, that their contract be cancelled & that the deposit of Rs 10,162 kept by them be forfeited to Govt.

ADV NO C/12331-3

The recommendations of the Dir of P.H is sanctioned

ws 6 9

for Lab Sec to Govt

List of Enclosures

To the Dir of Public Health with the Contract
" Chief Engr for Irrigation
" Mund com Bangalore Thro' Chief Engr
" Comptroller to Govt
" Dr Bangalore

Copied by

Examined by

DK 8/46

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

READ -

Government Order No.L 11016-20/M1.90-41-25 dated 19th May 1942 accepting the tender of Messrs.N Ramachandra Rao and Bros , for Rs.1,82,171-8-0 for the construction of the cement concrete Ovoid sewers from the existing manhole in the Sunkal Farm to the Koramangala disposal site, Bangalore City.

2. Corresponderce ending with letter No C 81-1520 dated 10th May 1944 from the Director of Public Health, stating that the contractors have not abided by the conditions of the contract viz., that work to the extent of not less than Rs.10,000/- shall be executed in each month and that the whole work shall be completed on or before the 1st July 1944 and requesting in the circumstances explained, that their contract be cancelled and that the deposit of Rs 10,162/- kept by them be forfeited to Government.

ORDER NO L/12331-57 and 81-43-37

Dated, Bangalore, the 13 June 1944.

The recommendation of the Director of Public Health is sanctioned.

For Secretary to Government,
Law Department

To

The Director of Public Health in Mysore, with the contract
" Chief Engineer for Irrigation
" Municipal Commissioner, Bangalore City,
through the President, Bangalore City Municipality.
" Comptroller to Government.
" Deputy Commissioner, Bangalore District

sr/6

ON GOVT APPROVED LIST

ESTD 1928

Specialists in BUILDINGS AND SANITARY CONSTRUCTION

N. Ramachandra Rao & Bros,

GOVT BUILDINGS AND SANITARY ENGINEERING CONTRACTORS

No 2128, 2nd Cross Road, Malleswaram P O

Ref No -

Bangalore City 4/7/44 194

To

The Law Secretary
Government of Mysore, Bangalore

Regarding Cement Concrete Drainage works from Sunkal Farm to Koramangala Tank

Respected Sir,

I beg to bring to your kind notice that on 27th April 1944 I had submitted an application to your goodself requesting therein to pass orders for the refund of the sum of Rs 10000/- and odd deposited by me towards my tender of the above work, which has been stated as forfeited

In this connection I may be permitted to mention here that from a perusal of the previous records pertaining to the said work and the promise of the authorities concerned stating that enhanced rates would be given to me and also the delay in supplying the cement, will clearly prove that the forfeiture of the deposit amount of a huge sums seems to be not reasonable and under the circumstances I shall be very much obliged to your goodself if you kindly send for the complete records and pass orders for the refund of the deposit amount I submit that I have sustained a loss of Rs 40000/- and above in the shape of payment of advance to labourers, suppliers etc Hope that your goodself will do me justice in refuding the deposit and also to pay something reasonably for the loss sustained by me

Yours obediently
N Ramachandra Rao

No C 81-1612
Encl E 2

GOVERNMENT OF MYSORE
PUBLIC
DEPARTMENT OF HEALTH

G V R V SECRETA 54
26 JULY 1944
L S G BRANCH

Dr P Parthasarathy L M S B S Sc (Mad) L R C P & S (Edin)
D T M (Lond) D P H (Camb)
Director of Health
~~Deputy Director of Health Services (Mysore), Assistant Director (Bangalore)~~
~~Medical Officer~~

BUREAU OF MATERNITY CHILD AND OTHER WELFARE WORKS
Vani Vilas Centre Vani Vilas Road
Bangalore (S India) dated 24th July 1944

To

The Secretary to Government,
Law Department, Bangalore

Sir,

Subject - Government cement of 56 tons and 13 cwts in weight with Messrs N Ramachandra Rao & Bros ex contractor for Ovoid Sewer Work, Bangalore City Drainage Division

---

I have the honour to state that Messrs N Ramchandra Rao and Bros whose contract for the main sewer works was cancelled as per G O No L 12331-5/41 81-43-37 dated 13 6 44, have 56 tons and 13 cwts of cement originally obtained for the work In spite of several requests the contractors have not surrendered the same

The Contractors have sent to the Special Officer Bangalore City Drainage Division, a copy of their letter dated 4th July 1944 addressed to the Garrison Engineer, Bangalore, intimating the Garrison Engineer that in connection with construction of buildings at Jyamahal they have used cement belonging to the Special Officer, Bangalore City Drainage Division and asking him to arrange for the return of the cement

In forwarding a copy of their letter addressed to the Garrison Engineer the Contractors intimate the Special Officer that the cement in question was purchased at their own cost on the recommendation of the department, and that if the cement had been supplied departmentally at the department's cost, they would not have used it for any other purpose A copy of the forwarding note with a copy of the letter of the Contractor addressed to the Garrison Engineer is enclosed for the information of Government

The cement in question was obtained specially for the work under necessary permit and issued to the Contractors

PTO

Under the present circumstances of the case, in view of that the cement is stated to have been used for military works, and the military authorities have been asked by the contractors for the return of the cement, I solicit instructions of Government in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

G Cockburn

Director of Public Health

Letter Dated 4th July 1944 from M/s N Ramachandra Rao and Bros, Contractors, 2nd cross road, Malleswaram Post, Bangalore, to the Garrison Engineer, Bangalore

---

Regarding construction of buildings at Jayamahal

I beg to bring to your kind notice that I have used about 30 tons of cement for the above buildings and I have submitted an application regarding the above Further, I have used additional cement to your deviation buildings as cement was not supplied departmentally I have up till now used nearly 60 tons of cement for your work

I submit this cement belongs to the Special Officer, Bangalore City Drainage Division, Bangalore, who had given me the said cement for main sewer works at my cost This cement had to be used by me as the work of City Drainage Division was stopped for certain time Now the authorities are demanding me to return their cement and a copy of the same is herewith enclosed Under the circumstances, I request that necessary arrangements may kindly be made for the return of the above cement either to me or to the Special Officer, Bangalore City Drainage Division, Bangalore, We will be sending a copy of this to the Special Officer, Bangalore City Drainage Division

---

Copy respectfully submitted to the Special Officer, Bangalore City Drainage Division, Bangalore, for information with the following

N B The cement in question was purchased by me at my own cost, on the recommendation of the department If the cement was supplied to me departmentally at their own cost, I would not have used it to any other purpose because ~~xxxx~~ it would have laid with me at the risk of the department Because I was under the impression that the work of your department may take some time more and as there was no stock of cement in the Military department and as some urgent works had to be carried out and as the cement could not be kept for a long time unused, I have utilised the cement for Military purposes As soon as cement is returned from the Military department, it will be handed over to your department without the least delay

Thanking you

Sd/-N Ramachandra Rao

Memo 3 dated Bangalore the 5th July 1944

Copy of the above is submitted to the Director of Public Health in Mysore, Bangalore, for favour of information If approved, the Garrison Engineer will be addressed to kindly intimate if the contractor has really used the cement for Military works Further action will be taken on receipt of a reply from him

Sd/- B V Vital Murthy
Special Officer in charge
City Drainage Division

"Copies'

Director of Public Health

BSN

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 8/8/44

Signed by MGRR

List of enclosures

Copied by

Examined by

Section

File No

Serial No

No L/1283 & 8/8/44

To

The D.P.H. Mysore

Sir,

I am forwarding herewith a petition (in original) & 4/7/44 received from Mr. N Ramachandra Rao on behalf of Messrs N Ramachandra Rao & Bros, Malleswaram, & civil prayer for the refund of the deposit money of Rs 10,000/- which was ordered to be forfeited to Govt L 12331-5/ Mal 81-43-37 & 13/6/44, I am directed to request you

WD 04161—GPB—60 000—24 10 41

THE DIRECTOR OF PUBLIC HEALTH
IN MYSORE,
BANGALORE. 2069

C 81-1647
Secl one

9 9 1944

MYSORE 14

GEN & REV SECRT
16 SEP 1944

To

The Secretary to Government,
Medical Department, Bangalore

Sir,

Sub - Cancellation of the tender of Messrs N Ramachandra Rao & Bros for construction of cement concrete ovoid sewer from the manhole in Junkal Farm, and the forfeiture of the deposit of Rs 10,162/-

With reference to your letter No L 1283 dated 8th August 1944 forwarding for opinion the petition (in original) dated 4 7 1944 received from Mr N Ramachandra Rao on behalf of his firm Messrs N Ramachandra Rao & Bros for the refund of the sum of Rs 10,162, forfeited, I have the honour to inform that the amount was forfeited as per G O No L 12331-5/M1 81-43-37 dated 13th June 1944 The reasons on which the recommendation was made to Government are detailed in this office letter No C 20 dated 22 2 1944

If Government consider that the deposit forfeited may be refunded, some concession may perhaps be shown

The petition is retransmitted herewith

I have the honour to be,
sir,
Your most obedient servant,

BSN

Director of Public Health

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 16-9-44

Signed by Mr. G Rohad

List of enclosures

Codied by

Examined by

Section

File No

Serial No

No LL2612 Dt 16-9-44

To

The D. P. H

Sir,

With reference to your letter No C 81-1612 dt 24/7/44 soliciting instructions as regards the recovery of cement supplied ~~the~~ to the firm of Messrs N Ramachandra Rao & Bros, I am directed to request you to intimate ~~state~~ The time in which the cement was supplied to the contract together with information as to who has met

GOVERNMENT OF MYSORE

No 81-1679
Encl Encls 2 copies

PUBLIC DEPARTMENT OF HEALTH

GEN & PRY SECY 29/41 31 OCT 1944 L S G BRANCH

DR P PARTHASARATHY L M S B S SC (Mad) L R C P & S (Edin) D T M (Lond) D P H (Camb)
Director of Health

BUREAU OF MATERNITY CHILD AND OTHER WELFARE WORKS
Vani Vilas Centre, Vani Vilas Road

SEOY LAW DEPT 30 OCT 1944 Bangalore GOVT OF MYSORE

(S India) dated October 26, 29 1944

To

The Secretary to Government,
Law Department, Bangalore

Recovery of cement supplied to the firm of Messrs N Ramachandra Rao & Bros, Ex-Contractors for Ovoid Sewer Works Bangalore City Drainage Division

SIR,

With reference to your letter No L 2612 dated 16th September 1944 enquiring the terms on which the cement was supplied to the above firm etc , I have the honour to state that the Special Officer reports in his letter No 79 dated 13th October 1944 that when the agreement for the work was signed by the firm there was no clause included as regards the supply of cement, but that when the work was started the cement control order came into force the Department had to arrange to get the cement to the contractors The contractors used to pay and take delivery of the cement directly from the Mysore Iron and Steel Works

As regards the return of the unused cement, it may be stated that the contractors were intimated by the Special Officer in July 1943 that the cement received by them against indents countersigned by the Bangalore City Drainage Division had been earmarked for the specific Government work and that the same should not be used for any purpose other than the construction of the cement concrete Ovoid Sewer A copy of the Special Officer's letter dated 9th July 1943 addressed to the Firm is enclosed for the information of Government. The letter precludes the Firm from using the cement for any work other than the Ovoid Sewer work, in other words enjoining on them to return the same if unused

With regard to the query whether the Military authorities have been addressed, I may reply in the affirmative But no reply has so far been received to the letter of 7th July 1944 addressed by the Special Officer, Bangalore City Drainage Division, to the

Garrison Engineer requesting him to intimate whether the quantity of 56 tons belonging to the Department had really been used for any urgent Military works

A copy of the Special Officer's letter in the matter is also enclosed for the information of Government, together with a copy of letter addressed to the Garrison Engineer.

I have the honour to be,

Sir,

Your most obedient servant,

KAJ

DIRECTOR OF PUBLIC HEALTH

Letter No 79 dated 13th October 1944 from the Special Officer, Bangalore City Drainage Division, Bangalore, to the Director of Public Health in Mysore, Bangalore

---

With reference to your No C 81-1663 dated 28th/2nd October 1944 forwarding copy of letter No L 2612 dated 16th September 1944 from the Secretary to Government, Law Department for furnishing the terms on which the cement was supplied to the contractors Messrs N Ramachandra Rao & Bros , etc , I have the honour to state that when the agreement for the work was signed by Messrs N Ramachandra Rao & Bros , there was no clause included as regards the supply of cement but when the work was started the cement control order came into force and the Department had to arrange to get the cement to the contractors The Contractors had to pay and take delivery directly from the Mysore Iron and Steel Works

A consignment of 42 tons of cement was supplied to them Departmentally from Jog Works and the cost of 37½ tons of cement has been adjusted in their bills and the balance will be adjusted in their final bill. In addition they have 56 tons 13 Cwts of unused cement got directly from Bhadravathi, against authorisation sent from this office and paid for by them

The contractors were intimated that the cement which they had received against indents countersigned by this Division hadbeen earmarked for the specific Government work and should not be used for any purpose other than the construction of the cement concrete Ovoid Sewer (Vide this office No 31 dated 9th July 1943, copy of which was submitted to you in this office No 9/9-7-1943) copy is enclosed for ready reference

According to the terms of this letter, the contractors are bound to return the unused quantity of cement to the Department

The Garrison Engineer was addressed in this office letter No 14 dated 7 7 1944 copy of which is herewith submitted, to intimate whether the quantity of 56 tons belonging to this Department had really been used for any urgent Military works as stated by Messrs N Ramachandra Rao & Bros , and if the Military authorities had promised them to replenish the stock of cement. No reply has so far

far been received from the Garrison Engineer

Letter No 14 dated 7.7 1944 from the Special Officer, Bangalore City Drainage Division, to the Garrison Engineer, Bangalore

---

I have the honour to bring to your kind notice that Messrs N Ramachandra Rao & Bros , who are one of the tendered contractors of this Division and who it is learnt, are also doing some Military works under you, have stated in their letter dated 4 7 1944 addressed to the undersigned that a quantity of 56 tons of cement given to them by the Department for the construction of the cement concrete ovoid sewer has been utilised by them for certain urgent Military works and they have promised to replace the cement after getting supplies from the Military authority

I request to be intimated if they have been doing any works under you and if any cement belonging to this Division has been used by them for the military works on account of the delay in getting supplies

An early reply in the matter is requested

Letter No 31 dated 9th July 1943 from the Special Officer, Bangalore City Drainage Division, Bangalore to Messrs N.Ramachandra Rao & Bros , Contractors, Bangalore City

--

Main Ovoid Sewer

With reference to your letter dated 5th July 1943, I write to state that there was no understanding in the Agreement that the Department is responsible either to supply or even to arrange to supply any materials or labour for the work and the Department was therefore not in the least bound to supply you any quantity of cement In the interest of work however the Chief Rationing Authority in Mysore, Bangalore, was addressed several times and with great difficulty the Department was able to get 98 tons of cement

Please Note that you have now with you 56 plus 42 = 98 tons of Government rationed cement in addition to the balance of one ton and 17 bags from the previous supply which you have to fully account for You are directed to start the work on Thursday the 15th July 1943 at the

the latest without fail The cost of 42 tons will be charged to you and treated as temporary advance, when the advice oi transfer is received irom the Superintending Engineer, Jog Falls Scheme

Ii you iail to start the work even on the 15th instant, a report will have to be made to Government regarding your unwillingness to resume the work and a recommendation also will have to be made to Government ior the cancellation of the present contract and the forieiture oi your deposit in terms of the bond executed by you

Your attention is once again hereby drawn to the iact that the whole quantity of the cement viz , 99 tons and 17 bags now made available to you is earmarked ior a speciiic Government work and should be used only ior the construction of the Main Ovoid Sewer and the use of cement ior any purpose other than the Main Ovoid Sewer will be viewed very seriously and immediate further action may have to be taken

Finally, I wish to add that unless you resume the work at once and give the stipulated progress, it is not possible to consider the other points raised by you in your letter You are therefore directed to start the work and represent your difficulty if any during my inspections

---

"Copies"

DIRECTOR OF PUBLIC HEALTH

GOVERNMENT OF MYSORE

Department of Public Health

Mr Y Ramaswami, B A , C E ,

Special Officer

BANGALORE CITY DRAINAGE DIVISION

SESHADRI ROAD,

D O No 660 *Bangalore, Dated* 5th April *194*5

Dear Sir,

I understand from the Office of the Chief Engineer for Irrigation, that this office file No 65 in connection with the cancellation of the tender contract of Messrs M Ramachandra Rao & Bros , for the construction of the cement Concrete Ovoid sewers has been sent to you As the file is wanted very urgently for reference in this office, it may be kindly sent with the bearer It will be returned to you in a day or two if required

With regards

Yours Sincerely,

Y Ramaswami

S G GS —

C Narayanaswamy Naidu, Esq^r,
B A , B L ,
Secretary to Government,
Law Department, Bangalore

To,

The D P H

Sir, With reference to the correspondence ending with your letter no C 21- 30/0/44 dt 14-3-45 re The recovery of cement from Messrs N Ramachandra Rao & Bros, I am directed to state that, as seen from the report of the military authorities in the matter, the cement ~~was~~ was not used by the said firm on any military work as alleged by them The firm may therefore, be definitely informed that unless

they surrender the unused cement to the extent of 56 bags and 13 cwts allotted to them for the sluice drainage work. They prayed for the refund of the deposit amount of Rs 10,000 as made in the petition 27-4-44 and will not be considered by the court

I have etc

for

Secy Law.

Please
Collr Chittoor & Inspection for enquiries
with reference to this No note no 1820/5 dt 5-5-44

L- 5-5-66 7/12/1944

To,

The D P H

Sir, with reference to the correspondence ending with your letter No C 21-1675 of 29/10/44 re recovery of cement supplied to the firm of Messrs N Ramachandra Rao & Bros, contractors, B&C drainage works, I am directed to request you to intimate ~~immediately~~ if any reply has since been received from ~~the Secretary~~ the military authorities on the matter — vide last para of your letter under reference

I have etc

for

D Secy Law

THE DIRECTOR OF PUBLIC HEALTH
IN MYSORE,
BANGALORE

C81-1766

5531
22 FEB 1945

19th February 1945

To

The Secretary to Government,
Law Department, Bangalore

Sir,

Sub - Recovery of Cement supplied to Messrs N Ramachandra Rao & Bros, ex-Contractors, Bangalore City Drainage Works

---

With reference to your letter No L 5566 dated 7-12-1944 enquiring whether any reply has since been received from the Military Authorities, I have the honour to state that the Special Officer reports that no reply has yet been received He is asked this day to remind the Military Authorities

I have the honour to be,
Sir,
Your most obedient servant,

Director of Public Health

BSN

Subject to whether the reply will be awaited
Mar 10/3

Tele | gram HEALTH
phone 2144

D~~O~~ No C 21-30/39/44-45 GOVERNMENT OF MYSORE

DEPARTMENT OF PUBLIC HEALTH

1 6068

DR P PARTHASARATHY L M S B S Sc (Mad)
L R C P & S (Edin) D T M (Lond)
D P H (Camb)
Director of Public Health

Bangalore (S India) dated March 14, 1945

To

The Secretary to Government,
Law Department, Bangalore

Recovery of cement supplied to Messrs N.Ramachandra-Rao and Bros , Ex-Contractors, Bangalore City Drainage Works

---

Sir,

In continuation of this office letter No C 21-22 dated 12th March 1945 on the above subject, I have the honour to enclose herewith a copy of letter No 37177/C dated 26th February 1945 from the Garrison Engineer, Bangalore addressed to the Special Officer, City Drainage Division, Bangalore, intimating that the 56 tons of cement alleged by the contractors as having been used on Military works, was not actually utilised for military works

I have the honour to be,
Sir,
Your most obedient servant,

KAJ

DIRECTOR OF PUBLIC HEALTH

P T O

Letter No. 37177/C. dated 24/26th February 1945
from G E Bangalore to the Special Officer, City Drainage
Division, Bangalore

Cement used by Messrs N Ramachandra Rao & Bros
Ref:- Your No 590 dated 23.2 1945

I have the honour to state that it is regretted that the reply to your letter No.14 dated 7 7 1944 could not be given earlier as the matter of cement incorporated in the Military works was being investigated

2 From the figures assessed on the actual work executed by these contractors it shows that they have overdrawn the cement from M E S Stores than actually required for our work.

3 As regards your 56 tons of cement this has not been utilised on our works as alleged by the contractors

---

"Copy"

DIRECTOR OF PUBLIC HEALTH

Appendix F G —1]

SUBJECT

Diary No of letter replied to

Section

File No

Serial No

No L-1121

General and Revenue Secretriat

(

the 194

To

The D P I+

Sw

Date of issue 17/5/1945

Signed by Mr G R Rao

with reference to the correspondence ending with your letter No C-81-16-47 & 14-9-44 recommending that some concession furnishe your opinion re the refund of the deposit amount forfeited by the pet to Messrs V Ramachandra & Bros contractors Bangalore Left Drainage works, I am directed to state that, as seen from your letter No C 21-30/D/44 & 14-3-45

List of enclosures

Copied by

Examined by

WD 0744—G P B—15 000—30 10-44

re the recovery cement from the above said
Company, The cement has not been utilised
on any sanitary work as alleged by them
the contractors have not only failed
to keep up to the terms of the contract
in respect of the construction of sewers but
have also diverted the cement allotted
to for use of these specific work to some
other purpose on account of As the
contractors have not satisfactorily
explained the reasons for the slow progress
in the work, inspite of several notices
served on them in the matter, final orders
were passed by the govt forfeiting the deposit
amount

Having regard to the above facts, the
explanation of the company on the following points
may be obtained and submitted to govt very early

1) Why they despot fulfil the terms of
the contract as regards the construction
of the word sewers

2) Why they diverted the cement to some
other purpose whether they would return
it now to the Drainage Dept
and 3) What new grounds they would put forth
for reconsideration of previous govt orders
forfeiting the deposit amount from

MC 80-45-5

Tele{gram HEALTH
phone 2144

D.T. No. C 80-64/45-46 Encs a copy of letter

GOVERNMENT OF MYSORE

DEPARTMENT OF PUBLIC HEALTH

Rajasevasakta

DR P PARTHASARATHY LMS BSSc (Mad)
LRCP & S (Edin) DTM (Lond)
DPH (Camb)
Director of Public Health

Camp Mandya
Bangalore (S India) dated Sept 18 1945

ADDITIONAL SECRETARY TO GOVERNMENT OF MYSORE No D te 2417

To

The Additional Secretary to
the Government of Mysore, Bangalore

Sir,

Cancellation of the tender of Messrs N Ramachandra Rao & Bros, for construction of cement concrete ovoid sewer from the manhole in Bunkal Farm and the forfeiture of the deposit of Rs 10,102/-

With reference to your letter No 1380 dated 28th August 1945 on the above subject, I have the honour to enclose herewith a copy of letter dated 11th June 1945 of Messrs N Ramachandra Rao & Bros, Ex-contractors addressed to the Special Officer, Bangalore City Drainage Division, Bangalore

The reasons on which recommendation was made to Government for the cancellation of the tender and forfeiture are detailed in this office letter No C 20- dated 22nd February 1944

As regards the cement, the Ex-contractors allegation that they had used it on military works has not been upheld by the military authorities as already intimated in this office letter No C 21-30 dated 14th March 1945 As such he has not only not undertaken the work that was given to him as per his contract with the cement supplied but he has misused the cement and has told a deliberate lie that he has used the material for military purposes The reasons given by him for not carrying out the work are also not correct

Under the above circumstances, I am of opinion that orders already passed in the matter need not be reconsidered

I have the honour to be,
Sir
Your most obedient servant,
G Ganapathy
Director of Public Health

Letter dated 11th June 1945 from Messrs N Ramachandra Rao & Bros , Malleswaram, Bangalore City to the Special Officer, City Drainage Division, Bangalore

Refund of deposit amount forfeited by Government,

I beg to acknowledge the receipt of your letter No 758 dated 30th May 1945 and in reply to the questions asked for therein I venture to submit as follows -

Question No 1 - The work in question was sanctioned to me and a time of three years was sanctioned According to this time, the average turnover of work that is to be turned out per month was only 4,000/-, and odd and I was giving the said progress While the work was being progressed like this, I had to stop the work for a period of one year for want of supply of cement by the Department The cement was supplied during the rainy season and in spite of this the work was commenced by me once again and the progress was nearly Rs 6,000/- and odd This progress is due to the fact, that all the labourers who were engaged under me for the said work, had to leave my services and had to seek their livelihood elsewhere during the interval of one year (which is due to the late supply of cement) and I could not get the sufficient quantity of labour even though high rates were offered By this time the rates went up very high and I submitted an application for the enhancement of rates The then Special Officer and the Director of Public Health consulted themselves and promised me that they would give enhanced rate, and to this effect numerous applications were submitted Such being the case, the work was somehow cancelled by the department without my knowledge and as I received cancellation orders, I had to stop the work I never voluntarily refused to work or requested for the cancellation of the same There was till 12 years time for the completion of the work within which time I would have surely completed the work

Question No 2 - All the consignments supplied to me except the last has been used for the work The last consignment received was fifty six tons The R R was sent to the Special Officer from Bradravathi By that time, the authorities had recommended to the Government for the cancellation of the contract I represented to the then Special Officer, that I do not require the cement as a recommendation has already been made to the Government Then some arrangements were made with the other contractors by the Department to take the cement by releasing the R R from the Bank of Mysore As this attempt was not successful I was once again sent for and the R R duly signed by the Special Officer, was given to me When I remitted Rs 6,000/- and odd to the Mysore Bank Ltd , and got the R R released On account of this delay caused by the Department, I had to pay demurrage charges to the railway department The cement in question was then taken to my godown at Sunkal Warn where the above work has to be executed After some days I received the cancellation order and a further endorsement was issued to me that the cement in question should be handed over to a new contractor who will be entrusted with the said work after approval of the Government I waited for a period of 2 or 3 months but nothing has been done On account of the heavy rains and Jowgu, the 50 per cent of the cement was being damaged Thinking that the whole stock of the cement would become useless If allowed to remain as it was for some time more, I had to use the remaining quantity of cement to other works or else I would have been put to a loss of Rs 6,000/- and odd Because I paid the value of the cement, octroi duty, demurrage, charges etc , I became the full owner of the cement and after making the use of the same to other works I had to liquidate the debt obtained by me from the Mysore Bank for the said purpose The department only recommended my case for supply of cement but strictly and legally speaking the cement exclusively belongs to me and before taking delivery of cement I refused to take it and

[illegible] at is only for the use [illegible] of account of expansion [illegible] to refuse to [illegible] by [illegible] in this [illegible] and [illegible] to the department

[illegible] section [illegible] an application to [illegible] it to [illegible] forfeit [illegible] amount [illegible], [illegible] [illegible] to the [illegible] that the [illegible] [illegible] [illegible] to complete the [illegible] within the [illegible] [illegible] amount of [illegible] to any laborer or [illegible] material supplier [illegible] the [illegible] stopped completely for a period of one year due to [illegible] causes of the department in supplying the [illegible], and the [illegible] left [illegible] [illegible] to [illegible] [illegible] have [illegible] [illegible] [illegible] good [illegible] of [illegible] [illegible] [illegible] [illegible] [illegible] not [illegible] for the [illegible] of the contract, but the [illegible] itself [illegible] [illegible] of [illegible] [illegible] applications [illegible] [illegible] for the [illegible] [illegible] of rates [illegible] undisposed [illegible] [illegible] [illegible] [illegible] [illegible]

2'5191 4 Cpr TC 80-45-6

D/14-12-45.

To Chairman, Municipal Dept
The ~~Director of Public Health~~ Town Board
in ~~Mysore~~, Bangalore

~~Cancellation~~ of the tender of Messrs N Ramachandra Rao and Bros for construction of cement concrete avoid sewer from the manhole in Sunkal Farm and the forfeiture of the deposit amount of Rs 10,162 ——

Sir,

With reference to the correspondence ending with ~~Your~~ letter no C 80-64/45-46 dated 21-9-45 on the above subject received from the Director of Public Health, I am directed to state that there are no fresh grounds to reconsider the orders communicated in ~~my~~.

No 1233/-5/MU 81-43-37 dated 13-6-44
directing that the deposit amount of Rs 10/62
paid by the contractor be forfeited to
the Govt. The contractor may be kept
endorsed accordingly

Yours
for
Dy Revenue Secy

Memo No D

Copy w.c to the Chief Engineer for
Irrigation, for information, with reference
to his memo No 1820/5 dated 5-4-44.

Copy w.c to Dr of T-II for info

Copy w.c to DP II

Copy w.c to CL for Dy Secy for Revenue Secy

No d-1380
12

Immediate 28/8/45

The Director of Public Health
Madras

Sir,

I am directed to invite reference to this office letter No d 11 211 d 175-45 calling for certain particulars in regard to the refund of the deposit amount of Messrs Ramachandra Rao and Bros, for the construction of the cement concrete over head reservoir and to forward the information

When my article expected to be
Kindly may be kindly published
next week to work. The
matter is already mine from
three months ago I have by
Yours very sincerely
Jas Goldsbury

L 5191/ml 80-45-6

14 Decr. 1945.

Revenue Department

The Chairman,
Bangalore City Improvement Trust Board,
Bangalore.

Subject - Cancellation of the tender of Messrs. L. Rama-Chandra Rao and Bros. for construction of -- cement concrete ovoid sewer from the manhole in Cubbon Park in connection with the Bangalore City Drainage Scheme and the forfeiture of the deposit amount of Rs 10,162/-.

With reference to the correspondence ending with letter No C.C-64/45-46 dated 21st September 1945 on the above -- subject, received from the Director of Public Health, I am directed to state that there are no fresh grounds to reconsider the orders communicated in Government Order No.L. 1081-5/M.81-43-37 dated 16th June 1944 directing that the deposit amount of Rs 10,162/- paid by the contractors be be forfeited to Government The contractors may be kindly

p.t.o.

endorsed accordingly.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. J S Kalliaradhya.
Secretary to Government,
Revenue Department.

Memo No
Dated, Bangalore, Dec: 1945.

Copy of the above is forwarded with compliments to the

By order,

for Secretary to Government,
Revenue Department.

Extra Copy

1.3G.4.